

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Variance
26 North Valencia Drive/Generally located on the west side of University Drive
within the Valencia Village Condominium complex

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: V 1-1-02 Valencia Village Condominium Association, Inc.

REPORT IN BRIEF: The applicant is requesting a variance to install an eight foot (8') fence around the perimeter of the pool area. Because of a significant increase in vandalism, the applicant believes the eight foot (8') fence is the minimum necessary to protect the pool area and its amenities. Section 20-20 of the Old Land Development Code limits the height of walls on residentially-zoned properties to six feet (6'). The intent of Section 20-20 is to prevent fabricated barriers used for screening purposes from becoming objects of attention themselves due to the inappropriate scale for residential development.

Staff finds that there are special circumstances that apply to this request that do not typically apply in this district.

surround their recreational areas, including two pools, to help minimize vandalism. The 8' fence would be erected within the condominium complex and would not be visible from the road.

Staff does not find that the strict application of the provisions of this chapter would deprive the applicant reasonable use of the land. What this variance will do, however, is allow residents of Valencia Village Condominiums the continued reasonable enjoyment of their land by decreasing opportunities for vandalism.

Staff recognizes the applicants' hardship of being asked to construct an eight foot (8') fence is not self-created and finds that the requested variance is the minimum needed to accomplish the purpose of preventing vandalism and financial hardship for the Association, and to allow property owners to enjoy their common areas.

PREVIOUS ACTIONS: None

CONCURRENCES: At the
made a motion, seconded by Mr. Waitkus, to approve (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Planning report, Justification letters, Land use map, Subject site map, Aerial

Application #: V 1-1-02
Application Received: 1/16/02
Exhibit "A"

Revisions:
Original Report Date: 3/12/2002

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Owner:</u>	<u>Agent:</u>
Name: Valencia Village Condominium Association, Inc.	Name: Jeannette Rubin, Property Manager The Continental Group, Inc.
Address: 2950 N. 28th Terrace	Address: 2950 N. 28th Terrace
City: Hollywood, Florida 33020	City: Hollywood, Florida 33020
Phone: (954) 378-1089	Phone: (954) 378-1089

BACKGROUND INFORMATION

Date of Notification: February 20, 2002 **Number of Notifications:** 297

Application History: None

Application Request: Variance **FROM:** _____ **TO:** _____
residentially zoned property to six feet (6') **TO:** allow an eight foot (8') fence to enclose the swimming pool/recreational area within the complex.

Address/Location: 26 North Valencia Drive/Generally located on the west side of University Drive within the Valencia Village Condominium complex

Future Land Use Plan Designation: Residential (10 DU/AC)

Zoning: R-4A, Planned Apartment District (Old Code)

Existing Use: Pool/recreation area for Valencia Village Condominium residents

Proposed Use: Pool/recreation area for Valencia Village Condominium residents

Parcel Size: 2.54 acres (110,821.23 square feet)

	<u>Surrounding Land</u>
	<u>Surrounding Uses:</u> <u>Use Plan Designation:</u>
North:	Valencia Village Condominiums Residential (10 DU/AC)

South:	Valencia Village Condominiums	Residential (10 DU/AC)
East:	Promenade West, Burger King	Commercial
West:	Multi-family (Arrowhead)	Residential (10 DU/AC)

Surrounding Zoning:

North:	R-4A, Planned Apartment District (Old Code)
South:	R-4A, Planned Apartment District (Old Code)
East:	B-2, Commercial Business District (Old Code)
West:	R-4A, Planned Apartment District (Old Code)

HISTORY

Related History: None

Previous Request on same property: No Site Plan Committee existed in early 1973, when the original site plan was approved. The Zoning Board approved the site plan under the name Pasquinelli Construction on March 14, 1973, and Town Council approved it on March 21, 1973.

APPLICATION DETAILS

The applicant is requesting a variance to install an eight foot (8') fence around the perimeter of the pool area. Because minimum necessary to protect the pool area and its amenities. Section 20-20 of the Old Land Development Code limits the height of fences on residentially-zoned properties to six feet (6').

APPLICABLE CODES AND ORDINANCES

1. The R-4A (Old Code) Planned Apartment District provides for single family or multi-family residential development.
2. Section 20-20 (Old Code) Fences, walls and hedges prohibits walls greater than six feet (6') in height on residentially zoned property.

COMPREHENSIVE PLAN CONSIDERATIONS

Planning Area: The subject property falls within Planning Area 4. This planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West ridge, the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park Hill Road and Pine Island Road.

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Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

ANALYSIS

The intent of Section 20-20 of the Old Land Development Code, which limits the allowable height of fences to six feet (6') on residentially zoned property, is to prevent fabricated barriers used for screening purposes from becoming objects of attention themselves due to the inappropriate scale for residential development.

Staff finds that there are special circumstances that apply to this request that do not typically apply in this district. In this instance, the Valencia Village Condominium Association is requesting an eight foot (8') fence to foot (8') fence would be erected within the condominium complex and would not be visible from the road.

Staff does not find that the strict application of the provisions of this chapter would deprive the applicant reasonable use of the land. What this variance will do, however, is allow residents of Valencia Village Condominiums the continued reasonable enjoyment of their land by decreasing opportunities for vandalism.

Staff recognizes the applicants' hardship of being asked to construct an eight foot (8') fence is not self-created and finds that the requested variance is the minimum needed to accomplish the purpose of preventing vandalism and financial hardship for the Association, and to allow property owners to enjoy their common areas.

FINDINGS OF FACT

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

(a) There is a sought, is to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land is not person having an interest in the property.

(b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

As stated in the foregoing analysis section, the variance is appropriate to protect the reasonable enjoyment of the Valencia Village Condominium property.

(c) Granting of the requested variance is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

STAFF RECOMMENDATIONS

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends **approval** of petition V 1-1-02.

PLANNING & ZONING BOARD RECOMMENDATIONS

At the February 27, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to approve (Motion carried 5-0).

EXHIBITS

1. Justification Letters
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____



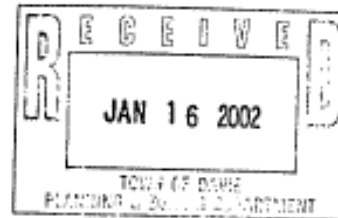
THE CONTINENTAL GROUP, Ltd.

PROPERTY SERVICES
Licensed Real Estate Broker

2950 N. 28th Terrace
Hollywood, Florida 33020
Phone: (954) 925-8200
Toll Free: 1(800) 927-4599
Mgmt. Fax: (954) 925-4116
Acctg. Fax: (954) 925-1116

January 8, 2002

Town of Davie
Development Services Department
Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314



Re: Valencia Village Condominium Association, Inc.

Request for Variance to Install an Eight (8) Foot Fence to Replace Existing Three (3)
Foot Fence Around Pool Areas

To whom it may concern:

Please be advised the Valencia Village Condominium Association, Inc. is requesting the Town of Davie to approve a Variance to allow the erection of an eight (8) foot fence around the perimeter of their two pool areas.

Over the past few years vandalism has increased dramatically. The pool restrooms have been destroyed, pool furniture broken and stolen, beer bottles thrown into the pool and onto the deck areas. In addition, the area has become a hangout for all types of "shady" characters, many of whom are not residents of the Condominium. This situation has caused a financial hardship on the community as well as limiting the homeowner's enjoyment of the common elements.

It is the intention of the Association, once the fence is installed, to restore the amenities the homeowners have been paying for all these years. Until the area is secured we cannot, in good conscience, put in any more money into this area.

Very truly yours,

For the Board of Directors
Vice-President

For the Board of Directors
Sec.

Fayette Dean
Jan. 8, 2002



Fayette Dean
My Commission CC883188
Expires October 26, 2003



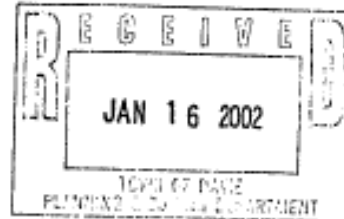
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January 8, 2002

Town of Davie
Development Services Department
Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314



To whom it may concern:

Please be advised Jeannette Rubin, our Property Manager from The Continental Group, Ltd., has been designated to act as our agent regarding our request for a Variance, from the Town of Davie to install an eight (8) foot fence around the pool area.

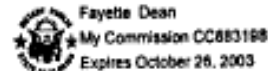
Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,


For the Board of Directors
Vice-President


For the Board of Directors
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Fayette Dean
Jan. 8, 2002





THE CONTINENTAL GROUP, Ltd.

1067 Shotgun Road
Sunrise, Florida 33326
Phone: (954) 476-6222
Fax: (954) 424-7493

PROPERTY SERVICES
Licensed Real Estate Broker

VALENCIA VILLAGE CONDOMINIUM ASSOCIATION, INC.

MEMORANDUM

TO: TOWN OF DAVIE
FROM: BOARD OF DIRECTORS
RE: VARIANCE TO PERMIT 8 FOOT FENCE
DATE: MAY 10, 2001

THE BOARD OF DIRECTORS ARE REQUESTING A VARIANCE FROM THE TOWN TO INSTALL AN EIGHT (8) FOOT FENCE AROUND THE POOL AREA. DUE TO THE ONGOING VANDALISM AT THE POOL AREA IT HAS BECOME IMPOSSIBLE, FINANCIALLY, AS WELL AS PHYSICALLY, TO KEEP UP WITH THE REPAIRS NEEDED.

AT THIS TIME THE RESTROOMS ARE DESTROYED. THE POOL FURNITURE, WHAT HAS NOT BEEN STOLEN, IS BROKEN. GLASS BOTTLES ARE THROWN INTO AND AROUND THE POOL ALMOST ON A DAILY BASIS. NON-RESIDENTS ENTER THE POOL AREA ON A DAILY BASIS.

IN ORDER TO PROTECT THE ASSOCIATION'S PROPERTY AND ALLOW THE HOMEOWNERS TO ENJOY THE AMENITIES TO WHICH THEY ARE ENTITLED THE PROPERTY MUST BE SECURED. IN ADDITION THE DAMAGES BEING DONE TO THE POOL AREA ARE A LIABILITY TO THE ASSOCIATION'S HOMEOWNERS AS EVENTUALLY SOMEONE WILL GET SERIOUSLY HURT.

CORPORATE OFFICES

2950 N. 28th Terrace • Hollywood, Florida 33020
(954) 925-8200 • 1 (800) 927-4599 • Mgmt. Fax: (954) 925-4116 • Acctg. Fax: (954) 925-1116

PROMENADE WEST
Post Office Box 39238
Fort Lauderdale, Florida 33339
Phone: (954) 566-1222
FAX: (954) 561-0741

February 19, 2002

Town of Davie
Planning & Zoning Department
6591 Orange Drive
Davie, Florida 33314

Re: Matter No: V 1-1-02

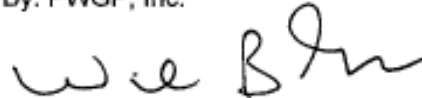
Gentlemen:

Promenade West, Ltd. has no objections to the erection of an 8' fence to surround the pool area of Valencia Village.

It would seem this matter should be approved in the interest of public safety.

Sincerely,

PROMENADE WEST, LTD.
By: PWGP, Inc.

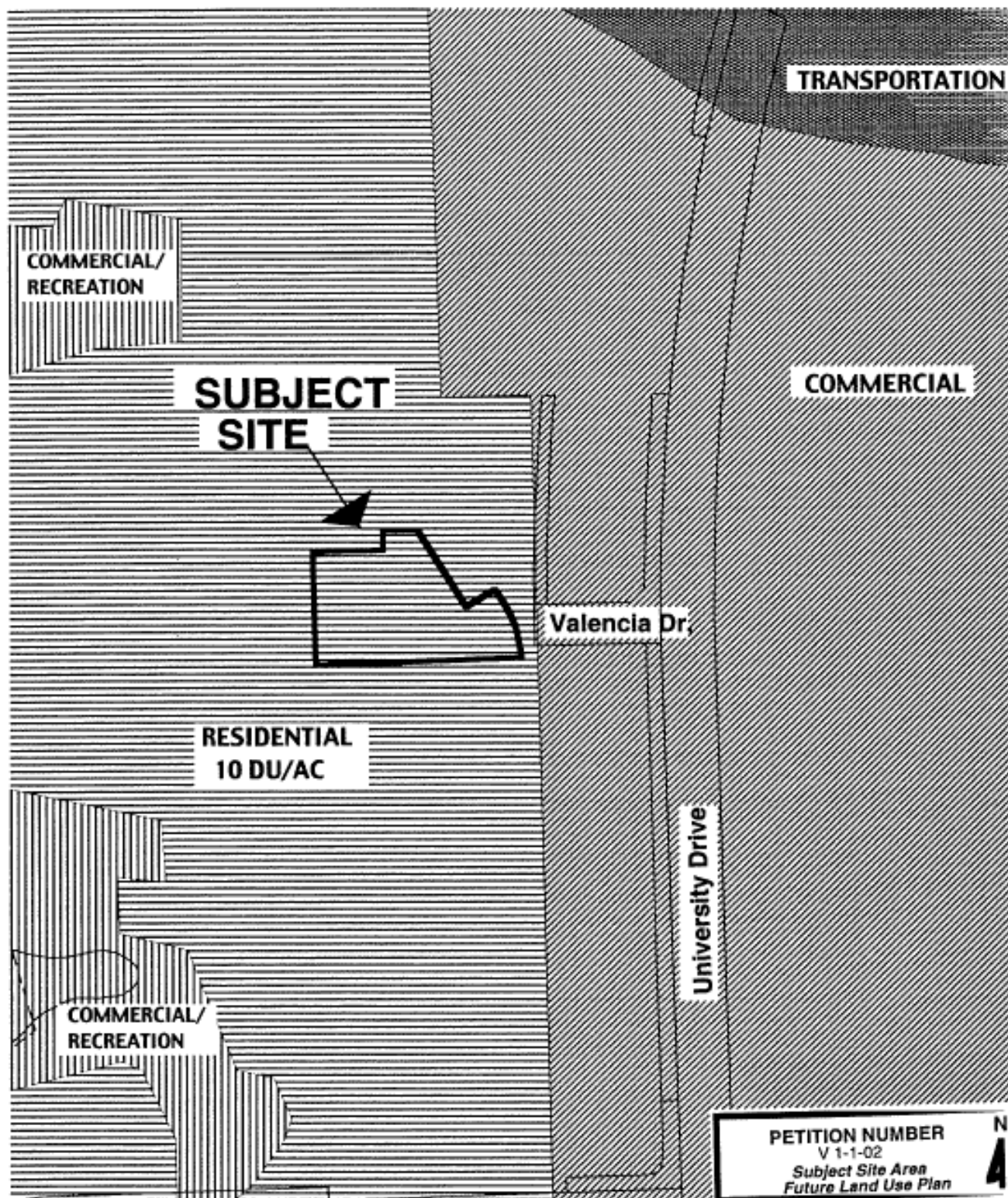


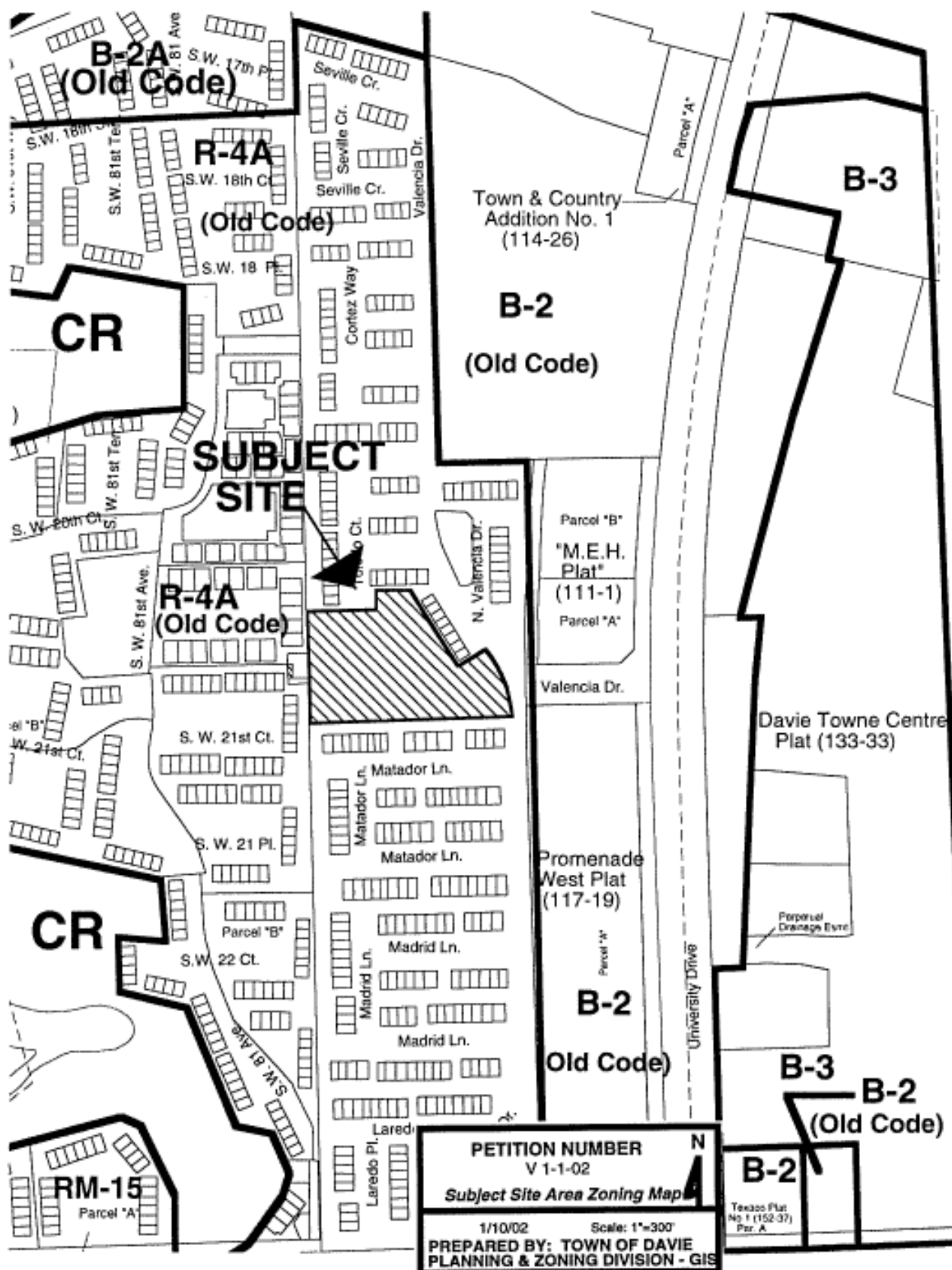
Wilson B. Groaton, Jr.
President

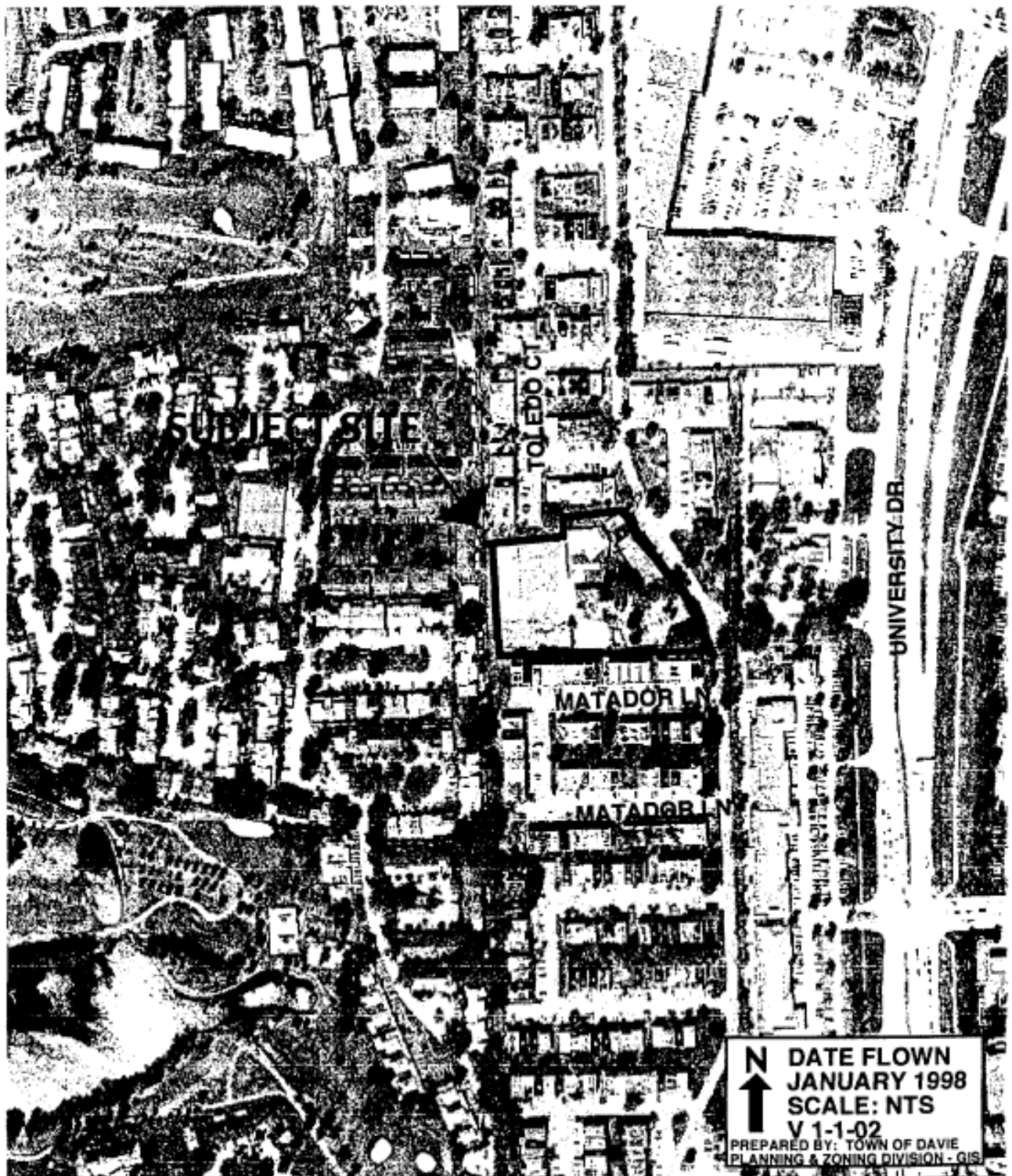
WBGjr:lzm
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cc: Valencia Village Condominium Association, Inc.
26 North Valencia Drive
Davie, FL 33324









N DATE FLOWN
↑ JANUARY 1998
SCALE: NTS
V 1-1-02
PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS